

## **REMARKS**

The Office Action dated March 26, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

### **Status of the Claims**

Claims 1-4 and 7 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 1-4, 6 and 7 are currently pending in the application and are respectfully submitted for consideration.

### **Rejections under 35 U.S.C. § 112**

The Office Action rejected claims 1-7 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicants respectfully note that claim 5 was previously cancelled. The Office Action presented four outstanding “issues” under the rejection.

The Office Action stated on pages 2 and 3 that “the specification is confusing as to the sequence of events in the order management system. On pages 6-7, the specification goes through parts 11 to 15 as the sequence in the order management system. However on pages 8-11, the specification does not provide the same sequence. Instead, using figure 2, the sequence is 13, 11 and 14.” Applicants respectfully submit that the sequence is not different throughout pages 8-11 of the specification. Part 11 is discussed starting on page 8, line 25, part 12 is discussed starting on page 9, line 6, part 13 is discussed

starting on page 9, line 17, part 14 is discussed starting on page 11, line 10 and part 15 is discussed starting on page 11, line 18. As such, the “sequence of events” is in order.

Further, Applicants respectfully submit that the rejection fails to satisfy the requirements of 35 U.S.C. § 112, first paragraph. To satisfy the written description requirement of the first paragraph of 35 U.S.C. § 112, a disclosure need only describe a claimed invention in a manner sufficient to reasonably convey to those skilled in the relevant art that Applicant was in possession of the claimed invention at the time the application was filed. This possession may be shown in any number of ways and an Applicant need not describe every claim feature exactly (see MPEP § 2163). Rather, all that is required is “reasonable clarity”. Also, original subject matter enjoys a “strong presumption” of compliance with the written description requirement (see MPEP §§ 2163(I)(A), 2163(II)(A) and 2163(II)(A)(3)(a)). Applicants submit that even were the sequence to be different in various sections of the specification, which is not admitted, the Office Action has not met this burden of overcoming the strong presumption that the rejected claims comply with the written description requirement by demonstrating why a person of ordinary skill in the art would be confused by a different sequence.

The Office Action stated on page 3 that “[t]he specification does not explain the relationship between the dates and quantities described in figure 3 and the order amounts in figure 4.” Applicants respectfully disagree.

Figs. 3(a) and 3(b) illustrate data for a production plan and Figs. 4(a)-(c) illustrate order management tables. In an apparent typographical error, the previous Response

stated that “Fig. 3 shows displaying an order management table in the order received management terminal 10” (see page 6, last paragraph). This statement appears to be directed to page 11, lines 23-25, of the specification, which states that “[t]he required quantity determination means 12 displays an order management table shown in Fig. 4(a) in the order received management terminal 10.”

The Office Action asserted that the statement in the previous Response “contradicts Applicant’s assertion that there is no relationship between figures 3 and 4 since Applicant has declared that both show displaying an order management table” (see pages 3 and 4 of the Office Action). However, per the above, this statement was presented in error. Figs. 3(a) and 3(b) illustrate data for a production plan, whereas Figs. 4(a)-(c) illustrate an order management table. Further, Applicants respectfully submit that the Office Action has not overcome the strong presumption that the rejected claims comply with the written description requirement by demonstrating why a relationship between Figs. 3 and 4 needs to be explained for a person of ordinary skill in the art to understand the claimed invention.

The Office Action stated on page 4 that “[o]n page 12, the specification does not explain what is a first predetermined period and a second predetermined period.” The Office Action further stated on page 4 that “[t]he specification describes a first period and a second period. It is unclear how these periods compare to a predetermined period.” However, on page 12, lines 6-10, the specification states, in discussing the order management table shown in Fig. 4(a), that the table includes “whether the relevant period

is included in the first predetermined period or in the second predetermined period (represented by '1' if it is included in the first predetermined period or '2' if it is included in the second predetermined period)." As such, a first and second predetermined period are discussed in the specification. Further, Applicants respectfully submit that one of ordinary skill in the art would readily understand the meaning of "predetermined", which means determined in advance.

The Office Action stated on page 4 that "[o]n page 12, the specification does not explain why it would be necessary to allocate an option to be modifiable or unmodifiable." The Office Action appeared to accept the arguments presented in the previous Response as to why quantities may be modifiable. However, the Office Action stated that "the Applicant has not explained why an option would not be modifiable." Applicants respectfully submit that order quantities may become unmodifiable, for example, once "[e]ach person receiving the orders (see arrow 2 in Fig. 2) accepts them and supplies resources to the manufacturers (p1 in Fig. 2)" (see page 10, lines 2-7 of the specification). One potential reason to make quantities unmodifiable may be because resources have already been ordered to manufacture products and production progress is not yet known. Applicants respectfully submit that a person of ordinary skill in the art would readily understand that at certain times, it may be desirable for order quantities to be unmodifiable.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

### **Rejections under 35 U.S.C. § 103**

Claims 1-3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheldon et al. (U.S. Patent No. 5,765,143) in view of Wojcik et al. (U.S. Patent No. 7,058,596) and further in view of Barts et al. (U.S. Publication No. 2002/0082893). The Office Action took the position on pages 5-8 that Sheldon et al. discloses all of the features of claim 1 with the exception of the “correction means” and the “second ordering means”. Rather, the Office Action relied on Wojcik et al. and Barts et al. to cure these respective deficiencies of Sheldon et al. Applicants respectfully submit that Sheldon et al., Wojcik et al. and Barts et al., both individually and in combination, fail to teach or suggest the features of the above-rejected claims. Reconsideration of the claims is respectfully requested.

Independent claim 1, from which claims 2-4, 6 and 7 depend, recites an order management system for managing orders of resources for production of products, configured by a computer having an input device and an image displaying device. The order management system includes storage means for storing an order management table indicating an order quantity and a required quantity of resources for each period among a plurality of periods, first ordering means for retrieving the required quantity of resources for each period from the storage means and transmitting first order information indicating the required quantity of resources for each period directly as an order quantity to an order received management terminal via a network, and required quantity determination means for retrieving, from the storage means, the order management table showing the order

quantity of resources for each period indicated as the first order information transmitted by the first ordering means, and for displaying the order management table on the image displaying device.

The order management system also includes correction means for correcting the required quantities of resources in one or more periods included in a second predetermined period following a first predetermined period by decreasing the required quantities of resources in the second predetermined period following the first predetermined period when the required quantities of resources in one or more periods included in the first predetermined period are increased by a user's operation of the input device. The decreased amount of the required quantities corresponds with the increased amount of the required quantities. The order management system further includes second ordering means for determining a latest order quantity of resources in each period included in the first predetermined period to equal the required quantity of resources in each period included in the first period, and for determining a latest order quantity of resources in each period included in the second predetermined period to equal to the required quantity of the resources in each period of the second predetermined period corrected by the correction means, and then transmitting a second order information indicating the latest order quantity of resources for each period included in each of the first predetermined period and the second predetermined period to the order received management terminal via a network.

As will be discussed below, Sheldon et al., Wojcik et al. and Barts et al., both individually and in combination, fail to teach or suggest the features of the presently pending claims.

Sheldon et al. generally discusses “computer systems and computer-implemented methods for managing inventories, such as inventories of aftermarket automotive parts” (column 1, lines 14-16). The system generates “order data in response to reference data” where “[t]he reference data is indicative of sales, inventory, demographics (such as vehicle population of potential customers), and/or market characteristics of at least two vendors at one level of a part distribution chain” (see column 3, lines 11-16, of Sheldon et al.). “The order data is indicative of one or more of a recommended inventory increase transaction (such as reorder by the vendor of a sold part, or an order of one or more new parts); an inventory reduction transaction (such as a return of one or more parts already in stock at the vendor); and a recommended stocking level of one or more parts by the vendor” (column 3, lines 21-27, of Sheldon et al.).

Wojcik et al. generally discusses “a system for providing efficient management and fulfillment of customer orders in a food processing and distribution environment” (column 1, lines 13-15).

The present invention has the ability to efficiently receive customer orders, process them, create appropriate financial records and coordinate this information with the inventory and manufacturing functions to prepare and load consolidated shipments for transportation to a customer. This is accomplished by touching each sub-system’s data base on a real time basis by horizontal integration of each system to create a harmonious flow of

data between systems. This unique concept allows for continual updating of the system over time.

(Column 1, lines 56-65, of Wojcik et al.).

Barts et al. generally discusses “the logistics of delivering a product, such as a vehicle, upon release from a manufacturing plant, to a destination, and ... providing feedback from a delivery network to influence manufacturing processes and scheduling” (Paragraph [0002]). A “tracking system”, “simulation tool” and “planning tool” may be used (see paragraph [0028], of Barts et al.). “[O]ne or more databases” may include “in transit information”, “network facility information”, “carrier information”, “routing information”, “a delivery plan” and “measured transit time information” (see paragraphs [0029]-[0035], of Barts et al.).

Independent claim 1 recites “correction means for correcting the required quantities of resources in one or more periods included in a second predetermined period following a first predetermined period by decreasing the required quantities of resources in the second predetermined period following the first predetermined period when the required quantities of resources in one or more periods included in the first predetermined period are increased by a user’s operation of the input device, wherein the decreased amount of the required quantities corresponds with the increased amount of the required quantities”. The Office Action stated on page 7 that “[i]n column 18, Wojcik discusses cycle counts and feedback, which teaches the portion of claim 1 dealing with correction means.” Wojcik et al. discusses that “[t]he cycle count provides for correcting inventory



problems that are identified in a warehouse” (column 18, lines 38 and 39). If information entered after a visual scan is not okay, a recount is initiated. If the recount is still not okay, the inventory is updated.

Applicants respectfully submit that Wojcik et al. does not teach or suggest a “first predetermined period” and a “second predetermined period”, as recited in claim 1. Rather, Wojcik et al. merely discusses checking a count and performing a recount without indicating that these are performed within “predetermined” periods of time, as claimed. Further, Wojcik et al. does not teach or suggest that the decreased amount of the required quantities corresponds with the increased amount of the required quantities. Rather, in Wojcik et al., inventory is merely changed if a quantity is not okay after a recount. This change in the quantity does not appear to decrease in a second predetermined period in correspondence with an increase in a first predetermined period, as claimed. Further, nothing is cited or found in Sheldon et al. or Barts et al. that teaches or suggests these features.

Applicants also respectfully submit that Barts et al. fails to teach or suggest the “second ordering means” recited in claim 1. The Office Action asserted on page 7 that “[a] feedback loop inherently teaches a second ordering means, since the feedback makes a correction and results in a second order amount.” Barts et al. discusses that “feedback of information from the distribution network 20 and the data flow network 30 is used to schedule production of vehicles to produce level distribution of the product as it enters the delivery network, and to respond to output requirements of the transportation of the

vehicles to market” (paragraph [0137]). However, this section is silent as to determining “the latest order quantity of resources for each period”, nor does Barts et al. teach or suggest that there is a “first predetermined period” and a “second predetermined period”. Further, nothing is cited or found in Sheldon et al. or Wojcik et al. that teaches or suggests these features.

Applicants further respectfully submit that the Office Action’s assertion that Barts et al. “inherently” teaches the features of the second ordering means is an improper application of inherency under MPEP § 2112(IV). “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill’” (*Id.*, quoting *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999)). Further, “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art” (*Id.*, quoting *Ex parte Levy*, 17 USPQ2d 1461, 1464 (BPAI 1990)).

In the present case, the Office Action has not made clear that the features recited with respect to the second ordering means are **necessarily present** in Barts et al. Rather, the Office Action merely stated that the second ordering means is inherently taught because “the feedback makes a correction and results in a second order amount” (page 7). This conclusory statement in the Office Action has not established why Barts et al. necessarily teaches or suggests determining “the latest order quantity of resources for

each period”, nor has the Office Action established that there is a “first predetermined period” and a “second predetermined period” in Barts et al.

Additionally, Applicants respectfully submit that the outstanding Office Action failed to establish a *prima facie* case of obviousness. The Office Action cited “columns 3 and 4 generally” of Sheldon et al. as disclosing the storage device, first ordering means and required quantity determination means (see pages 5 and 6, of the Office Action). Claim 1 recites numerous features for each of these elements. In the rejection, the Office Action cited a broad section of Sheldon et al. (two entire columns), explaining neither where each feature of claim 1 is believed to be found, nor why these features are believed to be taught by Sheldon et al.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Per the above, two columns of Sheldon et al. were cited in the Office Action without associated reasoning. Because the present rejection lacks a clear articulation of the reasons why these features would allegedly have been obvious, the rejection cannot be supported per the requirements set forth by the United States Supreme Court.

Because the Office Action has not established a *prima facie* case of obviousness, Applicants respectfully submit that the finality of the outstanding Office Action is improper.

Claims 2, 3 and 6 depend from claim 1 and add further features thereto. Thus, the arguments above with respect to independent claim 1 also apply to the dependent claims.

Per the above, the cited art fails to teach or suggest the features of the above-rejected claims under 35 U.S.C. § 103(a). Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheldon et al., Wojcik et al. and Barts et al. in further view of Muraoka (U.S. Patent No. 6,317,725). The Office Action took the position on pages 8 and 9 that Muraoka teaches the additional features recited by claim 4. Applicants respectfully submit that the cited art fails to teach or suggest these features. Reconsideration of the claim is respectfully requested.

Muraoka generally discusses “a production management system with optimization to schedules for individual stages throughout production schedule planing [sic] and actual production management in a production facility” (column 1, lines 5-8). This may be done “to improve a planing [sic] reliability with adjustment to loads of individual production facilities as well as planning, management and modification of working performance schedules” (see column 1, lines 8-11, of Muraoka).

Claim 4 recites, in part, “production plan creation means for creating production plans of products sequentially”. In rejecting these features, the Office Action cited column 3, lines 34-55, of Muraoka (see page 9). However, while the cited section of Muraoka discusses “planning, correcting and managing a production schedule”, Muraoka

is silent as to **when** production plans are created with respect to one another. As such, Applicants respectfully submit that Muraoka fails to teach or suggest the claimed features. Also, nothing is found in Sheldon et al., Wojcik et al. and Barts et al. that teaches or suggests these features.

Further, the Office Action's assertion that Maraoka "inherently" teaches creating production plans of products sequentially is an improper application of inherency under MPEP § 2112(IV). The Office Action is silent as to **why** such a sequence is necessarily taught in Maraoka, and as such, fails to meet the burden of establishing inherency under MPEP § 2112(IV) discussed above.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheldon et al., Wojcik et al. and Barts et al. in further view of Lidow (U.S. Publication No. 2002/0019761). Claim 7 depends from independent claim 1 and adds further features thereto. Nothing is cited or found in Lidow that overcomes the deficiencies of Sheldon et al., Wojcik et al. and Barts et al. discussed above with respect to claim 1. Thus, the arguments above with respect to claim 1 also apply to claim 7.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

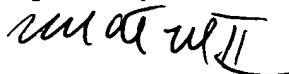
## Conclusion

For at least the reasons presented above, it is respectfully submitted that claims 1-4, 6 and 7, comprising all of the currently pending claims, patentably distinguish over the cited art. Accordingly, it is respectfully requested that the claims be allowed and the application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Request for Continued Examination